

STUDIO COMMUNICATION
UNIVERSAL STUDIOS

D-9 id
11/8/82 dt

NOTE
TELEGRAMS SENT THROUGH THE
STUDIO COMMUNICATION CENTER
SHOULD BE SUBMITTED BY 5:00 P.M.

To: (Name) Company Name
HEROCHI YAMUCHI NINTENDO COMPANY LTD.

Date
APRIL 28, 1982

Address (or Cable Address)
60 KUNITA-CHUO
FUKUOKA, HIGASHI-KU-KA

TWX or Telex Number

City and State (or Country)

KYOTO, JAPAN

IMPORTANT MESSAGE MUST BE DOUBLE SPACED

PLAINTIFF'S
EXHIBIT
14

RE: DONKEY KONG

DEAR SIR:

UNIVERSAL CITY STUDIOS, INC. ("UNIVERSAL"), IS THE SOLE AND EXCLUSIVE OWNER OF ALL RIGHTS (EXCEPT BOOK PUBLISHING RIGHTS) IN AND TO THE NAME, TITLE, CHARACTER AND STORY "KING KONG" AND "KONG" (HEREINAFTER "KING KONG") INCLUDING, WITHOUT LIMITATION, THE RIGHT TO EXPLOIT, LICENSE AND SELL GAMES, TOYS, VIDEO DISPLAYS AND OTHER FORMS OF MERCHANDISING BASED UPON OR USING THE "KING KONG" NAME, TITLE AND CHARACTER. UNIVERSAL ACQUIRED THESE RIGHTS UNDER WRITTEN AGREEMENT BETWEEN UNIVERSAL AND THE HEIRS OF MERIAN C. COOPER, THE CREATOR OF THE ORIGINAL "KING KONG" MOTION PICTURE. UNIVERSAL AND ITS PREDECESSORS IN INTEREST HAVE INVESTED ENORMOUS SUMS OF MONEY, TIME AND EFFORT IN THE NAME, TITLE, CHARACTER AND STORY "KING KONG" AND, AS A RESULT THEREOF, UNIVERSAL HAS ACQUIRED, AND NOW OWNS, VALUABLE RIGHTS THEREIN.

IT HAS RECENTLY COME TO UNIVERSAL'S ATTENTION THAT YOU ARE EXPLOITING, MARKETING, SELLING, AND DISTRIBUTING FOR USE BY THE PUBLIC VIDEO GAMES ENTITLED "DONKEY KONG" WHICH USE AND INCORPORATE THE "KING KONG" NAME, TITLE, CHARACTER AND STORY. AS YOU ARE WELL AWARE, YOU HAVE NOT SOUGHT OR RECEIVED UNIVERSAL'S PERMISSION TO MARKET, SELL, DISTRIBUTE OR OTHERWISE EXPLOIT THE "KING KONG" NAME, TITLE, CHARACTER OR STORY EITHER

(Cont'd)

The following information is to be sent out NOT transmitted:

Robert D. Lyle	Charge Number 00303	Class of Service Day Night Letter Telegram
Robert D. Lyle (000 14) SIO (000 14)	Telephone Extension 1955	

A 000424

THE
ENTER
P.M.

IN "DONKEY KONG" OR IN ANY OTHER FASHION. ACCORDINGLY, YOUR ACTIVITIES IN EXPLOITING "DONKEY KONG" HAVE INFRINGED AND VIOLATED, AND UNLESS TERMINATED IMMEDIATELY, WILL CONTINUE TO INFRINGE AND VIOLATE UNIVERSAL'S VALUABLE EXCLUSIVE RIGHTS IN THE NAME, TITLE, CHARACTER AND STORY "KING KONG". MOREOVER, YOUR ACTIVITIES HAVE UNDOUBTEDLY MISLED AND DECEIVED, AND ARE CONTINUING TO MISLEAD AND DECEIVE, THE PUBLIC INTO MISTAKENLY BELIEVING THAT "DONKEY KONG" HAS BEEN LICENSED, SPONSORED OR CREATED BY OR UNDER THE AUTHORITY OF, OR IS SOMEHOW CONNECTED WITH, UNIVERSAL. AS A RESULT OF YOUR FOREGOING ACTIVITIES, YOU HAVE UNJUSTLY PROFITED AT UNIVERSAL'S EXPENSE, AND UNIVERSAL HAS SUSTAINED, AND WILL CONTINUE TO SUSTAIN, POTENTIALLY ENORMOUS DAMAGES.

UNIVERSAL HEREBY DEMANDS THAT YOU IMMEDIATELY (A) CEASE AND DESIST THE MARKETING, SALE, DISTRIBUTION AND ALL OTHER EXPLOITATION OF "DONKEY KONG" AND ANY OTHER PRODUCT WHICH USES THE NAME, TITLE, CHARACTER OR STORY "KING KONG" AND (B) REMOVE (OR CAUSE TO BE REMOVED) THE NAME, TITLE AND CHARACTER "KING KONG" AND "KONG" FROM ALL UNITS OF "DONKEY KONG" WHICH YOU HAVE PREVIOUSLY MARKETED, SOLD OR DISTRIBUTED.

DEMAND IS FURTHER MADE THAT YOU DELIVER TO UNIVERSAL, WITHIN FORTY-EIGHT HOURS OF THE ABOVE DATE, AN ACCOUNTING OF ALL PROFITS RECEIVED BY YOU TO DATE FROM THE EXPLOITATION, MARKETING, SALE AND DISTRIBUTION OF "DONKEY KONG" TOGETHER WITH A WRITTEN CONFIRMATION THAT YOU WILL IMMEDIATELY COMPLY WITH THE DEMANDS SET FORTH IN THE IMMEDIATELY PRECEDING PARAGRAPH. SHOULD YOU FAIL TO DO SO, UNIVERSAL WILL HAVE NO CHOICE BUT TO TAKE ALL STEPS APPROPRIATE FOR THE PROTECTION OF ITS RIGHTS, INCLUDING, IF NECESSARY, COMPLAINTS IN THE COURTS FOR RESTRAINING ORDERS, INJUNCTIONS, AND DAMAGES. IF YOU BELIEVE THAT THIS MATTER CAN BE RESOLVED AMICABLY WITHIN THIS FORTY-EIGHT HOUR PERIOD, UNIVERSAL WOULD, OF COURSE, ENTERTAIN PROPOSALS TO THIS EFFECT.

THE FOREGOING IS STATED WITHOUT PREJUDICE TO, AND WITH A FULL RESERVATION OF, ALL OF UNIVERSAL'S RIGHTS, REMEDIES, CLAIMS AND POSITIONS WITH RESPECT TO THE MATTERS DISCUSSED ABOVE.

VERY TRULY YOURS,
SIDNEY J. SHEINBERG, PRESIDENT
AND CHIEF OPERATING OFFICER
UNIVERSAL CITY STUDIOS, INC.

CC: COLECO
945 ASYLUM AVENUE
HARTFORD, CONN. 06105
ATTN: ARNOLD C. GREENBERG, PRES.
AND CHIEF EXECUTIVE OFFICER

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